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12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14 (SOUTHERN DIVISION – SANTA ANA)

15 In Re: Toyota Motor Corp. Unintended
16 Acceleration Marketing, Sales
17 Practices, and Products Liability Litigation

) Case No. 8:10ML02151 JVS (FMOx)
)
) Assigned to: Hon. James V. Selna
) Discovery: Mag. Fernando M. Olguin
)
18 This document relates to:
)
19 2:10CV01438 JVS (FMOx)
)
20 _____
) NOTICE OF MOTION OF DEFENDANTS
) TOYOTA MOTOR SALES, U.S.A., INC.,
) TOYOTA MOTOR CORPORATION,
21 TOYOTA MOTOR NORTH AMERICA,
INC., AND TOYOTA MOTOR
22 ENGINEERING & MANUFACTURING
23 NORTH AMERICA, INC., TO DISMISS
24 CERTAIN CLAIMS FOR FAILURE TO
25 STATE A CLAIM
26 _____

27
28 DATE: December 9, 2010
TIME : 9:00 a.m.
DEPT. Courtroom 10C

1 This personal injury action arises from an automobile accident plaintiffs claim
2 was caused by an unidentified defect in their vehicle. On July 15, 2009, Roy Williams
3 was driving the subject 2006 Toyota Tacoma between Plainville, Kansas and Hays,
4 Kansas, when plaintiffs claim the vehicle suddenly and unexpectedly accelerated. Third
5 Amended Complaint for Damages ("TAC") ¶¶ 19-20. Plaintiffs claim that Mr. Williams
6 was driving the subject vehicle in an intended and foreseeable manner when it
7 unexpectedly accelerated from roadway speed to speeds of up to 80 miles per hour. In
8 an effort to control the sudden acceleration, Mr. Williams attempted various actions,
9 including stepping on the brake pedal, however the vehicle allegedly continued to
10 accelerate at a high rate of speed. Mr. Williams subsequently lost control of the
11 vehicle which veered to the opposite shoulder, overturned multiple times and struck a
12 power pole. TAC ¶ 20.

15 On September 13, 2010, Toyota Motor Sales, U.S.A., Toyota Motor Corporation,
16 Inc., Toyota Motor North America, Inc., and Toyota Motor Engineering & Manufacturing
17 North America, Inc., (collectively "Toyota defendants") filed a Federal Rule of Civil
18 Procedure 12(b)(6) Motion to Dismiss the causes of action common to all or most of the
19 complaints filed in this Multi-District Litigation. See Court Document Number 335.
20 Plaintiffs' complaint in this case asserts causes of action nearly identical to those filed
21 against the Toyota Defendants in the other actions in this Multi-District Litigation.
22 Therefore, in response to Plaintiffs' Third Amended Complaint for Damages, the Toyota
23 defendants incorporate and adopt by reference all the statements, arguments, points of
24 authorities and attachments presented in the "Notice of Motion and Motion of
25 Defendants Toyota Motor Sales, U.S.A., Toyota Motor Corporation, Inc., Toyota Motor
26

1 North America, Inc., and Toyota Motor Engineering & Manufacturing North America,
2 Inc., Toyota Motor Manufacturing, California, Inc. and CTS Corporation to Dismiss
3 Certain Claims for Failure to State a Claim" and related papers filed on September 13,
4 2010, Court Document Number 335.
5

6 The Toyota defendants respectfully request the Court to grant their motion and
7 dismiss plaintiffs' claims.
8

9 Dated: November 16, 2010

Respectfully submitted,

10 By: /s/ Vincent Galvin
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